

Peter J. Kuhn (USB #3820)

UNITED STATES DEPARTMENT OF JUSTICE

Office of the United States Trustee

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Attorney for Patrick S. Layng, United States Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

In re:

SHANE MARQUISE TRICE,

Debtor.

Bankruptcy Case No. 19-26803 JTM

(Chapter 13)

Judge Joel T. Marker

**EX-PARTE MOTION FOR AN ORDER AUTHORIZING UNITED STATES TRUSTEE
TO CONDUCT AN EXAMINATION OF CURRENT OCCUPANT OF 14997 S. EAGLE
CREST DR., DRAPER, UT 84020, PURSUANT TO RULE 2004 OF THE
BANKRUPTCY RULES**

Peter J. Kuhn, Attorney for the United States Trustee, hereby moves this Court *ex-parte* for an order allowing him to conduct the examination of Current Occupant of 14997 S. Eagle Crest Dr., Draper, UT 84020, pursuant to Rule 2004 of the Bankruptcy Rules.

In support of this Motion, the United States Trustee respectfully represents as follows:

1. On September 16, 2019, a *pro se* “bare bones” voluntary petition for relief under Chapter 13 was hand-delivered to the Bankruptcy Court.
2. Upon information and belief, this case was filed solely to stop the foreclosure sale of real property located at 14997 S. Eagle Crest Dr., Draper, UT 84020.

3. The United States Trustee has opened an investigation relative to the filing of this case and the possible involvement of a Bankruptcy Petition Preparer or an unlicensed person engaged in the unlawful practice of law.
4. The aforesaid investigation, in part, goes to the issues of violations of 11 U.S.C. § 110.
5. The United States Trustee seeks leave to conduct the Rule 2004 Examination of Current Occupant of 14997 S. Eagle Crest Dr., Draper, UT 84020 at the office of the United States Trustee, 405 South Main Street, Suite 300, Washington Federal Bank Building, Salt Lake City, UT 84111, under oath administered by an attorney for the United States Trustee's Office using an electronic recording device in lieu of obtaining a court reporter. The recording of the examination shall only be transcribed upon request and payment for the transcription by the requesting party.
6. Unless otherwise stipulated in writing, the United States Trustee will provide Current Occupant of 14997 S. Eagle Crest Dr., Draper, UT 84020 not less than 14 days written notice of the examination and the attendance of Current Occupant of 14997 S. Eagle Crest Dr., Draper, UT 84020 and the production of documents will comply with Fed. R. Bankr. P. 2004(c).

WHEREFORE, the Attorney for the United States Trustee prays that this Court enter an order allowing him to conduct the examination of Current Occupant of 14997 S. Eagle Crest Dr., Draper, UT 84020, pursuant to Rule 2004 of the Bankruptcy Rules.

DATED: October 25, 2019

Respectfully Submitted,

/s/

Peter J. Kuhn
Attorney for Patrick S. Layng,
United States Trustee